

Arizona State Board of Nursing

Doug Ducey
Governor

Joey Ridenour
Executive Director



Special Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 5:00 p.m. Thursday, August 11, 2016, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Randy C. Quinn, CRNA, President, presiding.

BOARD MEMBERS PRESENT:

Randy C. Quinn, CRNA, President

BOARD MEMBERS PRESENT TELEPHONICALLY:

Carolyn Jo McCormies, RN, MS, FNP-BC, Vice President

Theresa (Terri) Berrigan, LPN, C-AL, Secretary

Kathryn L. Busby, JD, Member

Lori Gutierrez, BS, RN-C, Member

Jana Machesky, LPN, Member

Dr. Melinda Preston, DNP, APRN, PMHNP-BC, Member

Dr. Melanie Logue, PhD, DNP, APRN, CFNP, FAANP, Member

BOARD MEMBERS ABSENT:

Brandon Dale, Member

Cecelia Andersen BSN, RN

M. Shawn Harrell, RN, MS, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General

Sunita Krishna, Assistant Attorney General

STAFF DIRECTORS:

Joey Ridenour, RN, MN, FAAN, Executive Director

Janeen Dahn, PhD, FNP-C, Associate Director of Investigations

STAFF:

Stephanie Chambers, RN, MN, Nurse Practice Consultant
Tamara Greabell, MA, BSN, RN, Nurse Practice Consultant
Kathleen Harrington, RN, Nurse Practice Consultant

Kirk Olson, Senior Investigator
Michael Pilder, MSN, RN, APHN-BC, Nurse Practice Consultant
Naira Kutnerian, Administrative Assistant II

I. Call to Order

The meeting was called to order at 5:00 p.m., Thursday, August 11, 2016.

The following Board members were present: Quinn.

The following Board members were present telephonically: McCormies, Berrigan, Preston, Gutierrez, Machesky, Busby and Logue.

Quinn presided.

Quinn welcomed members of the audience, explained the procedure for addressing the Board, and stated the mission of the Board.

II.A. Administrative Law Judge (ALJ) Recommendations

II.A.1. Jessica Jo Hudon RN165032; LP045827 (Krishna)

The proceeding began at 5:03p.m., with the following Board members present: Quinn, McCormies, Berrigan, Preston, Gutierrez, Machesky, Busby and Logue.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

The Board was represented by John Tellier Assistant Attorney General. Krishna Assistant Attorney General, represented the State.

Krishna addressed the Board and requested the Board accept the Administrative Law Judge's recommended findings of fact and conclusions of law and to revoke license.

Hudon was present and was represented by legal counsel Jessica Miller who addressed the Board.

McCormies moved, Berrigan seconded, and it was unanimously carried to accept as Findings of Fact the findings contained in Paragraphs 1 through 7.

McCormies moved, Quinn seconded, and it was unanimously carried, to accept as Conclusions of Law the violations in Paragraphs 1 through 6.

Quinn moved, Berrigan seconded, and it was unanimously carried to accept the Administrative Law Judge's recommended Order to revoke professional nurse license No. RN165032; LP045827 previously issued to Jessica Jo Hudon.

	VOTE	<u>Gutierrez</u> Member	<u>Logue</u> Member	<u>Dale</u> Member	<u>Machesky</u> Member	<u>Berrigan</u> Secretary	<u>Quinn</u> President	<u>McCormies</u> V. Pres	<u>Preston</u> Member	<u>Harrell</u> Member	<u>Andersen</u> Member	<u>Busby</u> Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

II.A. Administrative Law Judge (ALJ) Recommendations

II.A.2. Angela Mae Stone CNAExam (Campbell)

The proceeding began at 5:22 p.m., with the following Board members present: Quinn, McCormies, Berrigan, Preston, Gutierrez, Machesky, Busby and Logue.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

The Board was represented by John Tellier Assistant Attorney General. Campbell Assistant Attorney General, represented the State.

Campbell addressed the Board and requested the Board accept the Administrative Law Judge's recommended findings of fact and conclusions of law and to deny Applicant's appeal.

Stone was present and addressed the Board and was not represented by legal counsel. Ken Payne and Susan Higgs were present and addressed the Board.

Preston moved, Quinn seconded, and after discussion it was unanimously carried to accept as Findings of Fact the findings contained in Paragraphs 1.

McCormies moved, Preston seconded, and it was unanimously carried, to accept as Conclusions of Law the violations in Paragraphs 1 through 2.

McCormies moved, Preston seconded, and it was unanimously carried to deny the Applicant's appeal and that prior denial of Angela Stone's application for nursing assistant certification be upheld and affirmed.

	VOTE	Gutierrez Member	Logue Member	Dale Member	Machesky Member	Berrigan Secretary	Quinn President	McCormies V. Pres	Preston Member	Harrell Member	Andersen Member	Busby Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

II.B. APRN/RN/LPN/CNA Investigative Report/Potential Summary Suspension Pursuant to A.R.S. § 41-1092.11(B) and/or Acceptance of a Consent Agreement and/or Adoption of Complaint & Notice of Hearing

II.B.1. Sue Ann McCoy RN035528 (Chambers)

The proceeding began at 5:44 p.m., with the following Board members present: Quinn, McCormies, Berrigan, Preston, Gutierrez, Machesky, Busby, and Logue.

Chambers confirmed receipt of additional information.

McCoy was not present and was not represented by legal counsel.

Based upon the information presented at this meeting, Board members discussed whether a showing of extraordinary circumstances or the possibility of irreparable harm has been made supporting the need for a Summary Suspension.

Quinn moved, McCormies seconded, and it was unanimously carried, based upon the information presented at this meeting and the information contained in the investigative report, to accept and adopt the proposed preliminary Findings of Fact and Conclusions of Law of the Findings set forth in the draft Order attached to the investigative report.

Board members discussed whether the foregoing conduct poses an immediate threat to the public health, safety, or welfare and requires emergency action pursuant to A.R.S. § 41-1092.11(B).

Quinn moved, McCormies seconded, and it was unanimously carried, based upon the information presented at this meeting, the findings of fact and statute/rule violations identified in the investigative report, and make a finding that public health safety and welfare imperatively requires emergency action and issue an Order summarily suspending the license of Sue Ann McCoy RN035528 pending further hearing. The hearing shall be promptly instituted and determined.

	VOTE	<u>Gutierrez</u> Member	<u>Logue</u> Member	<u>Dale</u> Member	<u>Machesky</u> Member	<u>Berrigan</u> Secretary	<u>Quinn</u> President	<u>McCormies</u> V. Pres	<u>Preston</u> Member	<u>Harrell</u> Member	<u>Andersen</u> Member	<u>Busby</u> Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

It was therefore ordered that the license of Sue Ann McCoy RN035528 be suspended effective with the service of the written Order, and that Sue Ann McCoy RN035528 will immediately cease practice as a nurse. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32-1664.

II.B. APRN/RN/LPN/CNA Investigative Report/Potential Summary Suspension Pursuant to A.R.S. § 41-1092.11(B) and/or Acceptance of a Consent Agreement and/or Adoption of Complaint & Notice of Hearing

II.B.2. Miguel Menendez RN184986 (Chambers)

The proceeding began at 5:49 p.m., with the following Board members present: Quinn, McCormies, Berrigan, Preston, Gutierrez, Machesky, Busby, and Logue.

Menendez was not present and was not represented by legal counsel.

Based upon the information presented at this meeting, Board members discussed whether a showing of extraordinary circumstances or the possibility of irreparable harm has been made supporting the need for a Summary Suspension.

Quinn moved, McCormies seconded, and it was unanimously carried, based upon the information presented at this meeting and the information contained in the investigative report, to accept and adopt the proposed preliminary Findings of Fact and Conclusions of Law of the Findings set forth in the draft Order attached to the investigative report.

Board members discussed whether the foregoing conduct poses an immediate threat to the public health, safety, or welfare and requires emergency action pursuant to A.R.S. § 41-1092.11(B).

Quinn moved, Preston seconded, and it was unanimously carried, based upon the information presented at this meeting, the findings of fact and statute/rule violations identified in the investigative report, and make a finding that public health safety and welfare imperatively requires

emergency action and issue an Order summarily suspending the license of Miguel Menendez RN184986 pending further hearing. The hearing shall be promptly instituted and determined.

	VOTE	Gutierrez Member	Logue Member	Dale Member	Machesky Member	Berrigan Secretary	Quinn President	McCormies V. Pres	Preston Member	Harrell Member	Andersen Member	Busby Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

It was therefore ordered that the license of Miguel Menendez RN184986 be suspended effective with the service of the written Order, and that Miguel Menendez RN184986 will immediately cease practice as a nurse. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32-1664.

II.B. APRN/RN/LPN/CNA Investigative Report/Potential Summary Suspension Pursuant to A.R.S. § 41-1092.11(B) and/or Acceptance of a Consent Agreement and/or Adoption of Complaint & Notice of Hearing

II.B.3. David Edward Ludwig RN153178 (Bushong)

The proceeding began at 5:52 p.m., with the following Board members present: Quinn, McCormies, Berrigan, Preston, Gutierrez, Machesky, Busby, and Logue.

Dahn addressed the Board with additional information.

Ludwig was not present and was not represented by legal counsel.

Based upon the information presented at this meeting, Board members discussed whether a showing of extraordinary circumstances or the possibility of irreparable harm has been made supporting the need for a Summary Suspension.

Quinn moved, Gutierrez seconded, and it was unanimously carried, based upon the information presented at this meeting and the information contained in the investigative report, to accept and adopt the proposed preliminary Findings of Fact and Conclusions of Law of the Findings set forth in the draft Order attached to the investigative report.

Board members discussed whether the foregoing conduct poses an immediate threat to the public health, safety, or welfare and requires emergency action pursuant to A.R.S. § 41-1092.11(B).

Quinn moved, Preston seconded, and it was unanimously carried, based upon the information presented at this meeting, the findings of fact and statute/rule violations identified in the investigative report, and make a finding that public health safety and welfare imperatively requires emergency action and issue an Order summarily suspending the license of David Edward Ludwig RN153178 pending further hearing. The hearing shall be promptly instituted and determined.

	VOTE	Gutierrez Member	Logue Member	Dale Member	Machesky Member	Berrigan Secretary	Quinn President	McCormies V. Pres	Preston Member	Harrell Member	Andersen Member	Busby Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

It was therefore ordered that the license of David Edward Ludwig RN153178 be suspended effective with the service of the written Order, and that David Edward Ludwig RN153178 will

immediately cease practice as a nurse. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32-1664.

II.B. APRN/RN/LPN/CNA Investigative Report/Potential Summary Suspension Pursuant to A.R.S. § 41-1092.11(B) and/or Acceptance of a Consent Agreement and/or Adoption of Complaint & Notice of Hearing

II.B.4. Jennifer Lyn Boruch LP043627 (Pilder)

The proceeding began at 5:56 p.m., with the following Board members present: Quinn, McCormies, Berrigan, Preston, Gutierrez, Machesky, Busby and Logue. Pilder addressed the Board with additional information. McCormies moved, Logue seconded, and it was unanimously carried to adopt Board staff's recommendation as referenced in Update-Investigative Report, section IV, regarding disposition of the open investigation.

	VOTE	<u>Gutierrez</u> Member	<u>Logue</u> Member	<u>Dale</u> Member	<u>Machesky</u> Member	<u>Berrigan</u> Secretary	<u>Quinn</u> President	<u>McCormies</u> V. Pres	<u>Preston</u> Member	<u>Harrell</u> Member	<u>Andersen</u> Member	<u>Busby</u> Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

III. RN/LPN/CNA Investigative Reports

III.A.1. Jean Hurd Meyer RN042915 (Olson)
(aka: Jean Hurd)

Attorney Jim Tinker was present and available for questions. Quinn moved, Logue seconded, and it was unanimously carried, based upon the information in the investigative report, offer a Consent Agreement for an 18-month stayed revocation with the license placed on probation, to include the attached stipulations. If not signed within 30 days, issue a Notice of Charges.

	VOTE	<u>Gutierrez</u> Member	<u>Logue</u> Member	<u>Dale</u> Member	<u>Machesky</u> Member	<u>Berrigan</u> Secretary	<u>Quinn</u> President	<u>McCormies</u> V. Pres	<u>Preston</u> Member	<u>Harrell</u> Member	<u>Andersen</u> Member	<u>Busby</u> Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

III.A.2. Laurie Susan Belongie RN141241 (Olson)

Belongie was present and addressed the Board. Quinn moved, Preston seconded, and after discussion it was unanimously carried, based upon the information in the investigative report, offer a Consent Agreement for a 12-month probation to include the attached stipulations. If not signed within 30 days, issue a Notice of Charges.

	VOTE	<u>Gutierrez</u> Member	<u>Logue</u> Member	<u>Dale</u> Member	<u>Machesky</u> Member	<u>Berrigan</u> Secretary	<u>Quinn</u> President	<u>McCormies</u> V. Pres	<u>Preston</u> Member	<u>Harrell</u> Member	<u>Andersen</u> Member	<u>Busby</u> Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

III.A.3. Debra Ann McIsaac RN129308; LP038737; CNA169948659 (Greabell)

McIsaac was present and addressed the Board. Quinn moved, Busby seconded, and it was unanimously carried, based upon the information in the investigative report, amend Consent Agreement and Order No. 1404023 (Second Amendment) to allow the following: 1. On-site supervision: Respondent may work under the on-site supervision of a House Supervisor, RN while she is employed as a RN at Plaza Healthcare in Scottsdale, Arizona. The supervising RN may delegate to LPNs who are active and in good standing. All parties will provide input to the primary

supervisor who will submit performance evaluations. Respondent shall have face to face interactions with the House Supervisor RN at the beginning of every shift and at the midpoint of every shift. These interactions shall be recorded on a log and submitted with the performance evaluations. 2. Performance Evaluations: While Respondent is working at Plaza Healthcare, Respondent shall submit monthly performance evaluations for the first 12 months of nursing practice.

	VOTE	<u>Gutierrez</u> Member	<u>Logue</u> Member	<u>Dale</u> Member	<u>Machesky</u> Member	<u>Berrigan</u> Secretary	<u>Quinn</u> President	<u>McCormies</u> V. Pres	<u>Preston</u> Member	<u>Harrell</u> Member	<u>Andersen</u> Member	<u>Busby</u> Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

III.A.4. Jacqueline Gatliff Clark RN061792 (Harrington)

Harrington addressed the Board with additional information. An attempt was made to contact Robert Chelle telephonically. Quinn moved, Busby seconded, and after discussion it was unanimously carried, based upon the information in the investigative report, offer a Consent Agreement for 24-month probation, and to include the attached stipulations. Allow Respondent to complete Consent Agreement in Colorado. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Gutierrez</u> Member	<u>Logue</u> Member	<u>Dale</u> Member	<u>Machesky</u> Member	<u>Berrigan</u> Secretary	<u>Quinn</u> President	<u>McCormies</u> V. Pres	<u>Preston</u> Member	<u>Harrell</u> Member	<u>Andersen</u> Member	<u>Busby</u> Member
YES	8	X	X		X	X	X	X	X			X
NO	0											
ABSTAIN	0											
ABSENT	3			X						X	X	

IV. Call to the Public

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. Members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(G).

No members of the public requested to speak

V. Adjournment

Quinn moved, McCormies seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 6:16 p.m. Thursday, August 11, 2016.

Randy C. Quinn, CRNA, President